

MINUTES
TOWN OF MILLIKEN
TOWN BOARD OF TRUSTEES
Milliken Community Complex
March 22, 2006
7:00 p.m.

PUBLIC HEARING

Flack Annexations 1-6 and PUD Zoning

Mayor Measner opened the public hearing at 7:00 p.m.

Town Planner Danna Ortiz noted that this was a continuation of the Flack Annexations 1, 2, 3, 4, 5, and 6, with agricultural zoning as supported by the evidence contained in the official file; the official record of the Town of Milliken, Colorado, and the evidence produced at the hearing on January 25, 2006. The sixth annexation will receive its primary access from 65th Avenue, a road located in the City of Evans. Prior to the approval of a final plat for this sixth annexation a traffic study will be provided by the developer and approved by the Town of Milliken. Milliken will enact a fee applicable and appropriate to the volume of traffic generated by the subdivision. Payments received by Milliken will be promptly forwarded to Evans.

Sewer service to the sixth annexation may require Milliken and Evans to enter into an intergovernmental agreement to maximize the sewer service to the residents of the subdivision and minimize each municipality's capital expenditures. A copy of the Intergovernmental Agreement which Berthoud and Johnstown entered into, and which was approved by the North Front Range Water Quality Association (The 208 Board), is being reviewed by the staff of each municipality. An agreement which would allow for the provision of sewer service by one municipality's sewer plant to properties located in the other municipality is appropriate. All applicable requirements for annexation required in the Town's Land Use Code have been met.

- A. The annexation of land into the Town shall be in accordance with the laws of the State of Colorado in effect at the time of the submittal of the Petitions for Annexation.
- B. These annexations were considered in accordance with the Town's policy of evaluating each annexation on a case-by-case basis.
- C. The petitions for annexation were accompanied by requests for initial zoning of the parcels 1, 2, 3, 4, and 5 as AG-Agricultural and parcel 6 as PUD.
- D. The annexation petitions disclosed that no public facility requirements are required for the properties to be annexed.

E. No other policies, terms or special conditions are to be imposed by the Town Board of Trustees.

F. The Town Board finds and determines that the annexations of each of these parcels to the Town does not create any additional cost or burden on the existing residents of the Town and the provision of such public facilities in the newly annexed areas will not create any additional burden on the citizens; and determines that the current requirements for such public facilities in the areas to be annexed have been fulfilled and that the future requirements for such public facilities can be fulfilled.

G. The proposed annexations are in compliance with the Town's Comprehensive Plan and Land Use Plan.

H. All petitions for annexation were submitted to the Town Planning Department and determined to be in accordance with both the Town of Milliken Land Use Code and the Colorado Revised Statutes.

Town Planner Ortiz went on to state that the City of Evans had voiced concerns over Milliken not having a signed annexation petition from Waste Management and Public Service Company. Planner Ortiz noted that the Town of Milliken now has signed petitions from each company. Another issue brought up by Evans was an inadequate annexation report. Planner Ortiz noted that staff has revised the report to include water, sewer, and financing of municipal services. Evan's and Milliken's engineers have met twice and continue to work on an IGA.

Planner Ortiz noted that staff recommends approval of the annexation and agricultural zoning for Flack Annexation 1-5 and annexation and PUD zoning for Flack Annexation 6.

Chris Pickett of Pickett Engineering gave a brief history of his companies involvement with wastewater in the area. Mr. Pickett noted that when Dr. Flack first approached him about the project he suggested that he talk to Evans; however, Dr. Flack felt a natural connection to Milliken and wanted to be a part of Milliken. Mr. Pickett noted that in researching the Flack project his company determined that gravity would work to carry the wastewater away. Mr. Pickett went on to say that his company went out to bid for the project and received pricing from three contractors and that it would be significantly cheaper to go to Milliken than to Evans.

Dr. Flack spoke to the Board and told them he appreciated the opportunity to continue the hearing. He went on to thank the staff for all their work, especially Town Planner Danna Ortiz. Dr. Flack went on to state that several of his neighbors in support of the project were in attendance this evening. In closing he noted that he looked forward to working with the Town.

Mayor Measner closed the Public Hearing at 7:50 p.m.

REGULAR MEETING

Call to Order

Mayor Measner called the meeting to order at 7:50 p.m.

Attendance: Mayor Linda Measner, Mayor Pro Tem Janie Lichtfuss, Trustees Pat Onorato, Milt Tokunaga, Roger Frank, Gary Frank and Peggy Wakeman. Also present were Town Engineer Larry Ketcham, Finance Director Diana Vasquez, Senior Coordinator Lois Ann Onorato, Police Chief and Co-interim Manager Jim Burack, Public Works Director and Co-interim Manager Michael Woodruff, Town Clerk Gayle Martinez, and Town Attorney Bruce Fickel. Press and audience were also present.

PLEDGE OF ALLEGIANCE

Mayor Measner led the audience in the Pledge of Allegiance.

ADDITIONS TO THE AGENDA

Parks and Recreation Director Donna Derrera asked to have Item G added to the agenda Resolution 06-07 a Resolution supporting the agreement between the Town of Milliken and the State Board of the Great Outdoor Colorado Trust Fund.

AUDIENCES WITH INDIVIDUALS

There was none

REPORTS FROM BOARD MEMBERS REGARDING OTHER MEETINGS

Mayor Pro Tem Lichtfuss reported that the newly formed housing authority has selected a contractor, however an agreement has not been signed yet. They have also established by-laws, and have a marketing plan approved. The authority meets on the 3rd Monday of the month at 4:00 p.m. at Milliken Town Hall.

CONSENT AGENDA

Motion to approve the following items was made by Trustee Roger Frank, seconded by Trustee Onorato.

1. List of Bills for March 8, 2006.
2. Approval of Minutes for March 8th and March 9th, 2006.
3. Resolution 06-04 Concerning Bank Signature Cards Addition/Deletion.

Discussion: Trustee Wakeman noted two corrections in the minutes dealing with the amount of the excess water lease and the Frank Farms paving project. Clerk Martinez made note and will correct those items in the minutes.

Vote: All in favor none opposed motion carried.

ACTION AGENDA

Flack Annexation 1-6 and PUD Zoning

Planner Danna Ortiz reiterated the items she touched on in the Public Hearing. She went on to state that each annexation should be considered on its own and pointed out that The Town of Milliken is not imposing any special terms and that the petitioners are dictating the terms.

A. **Resolution 06-05 Findings of Fact and conclusion with respect to the Flack Annexations.**

Motion to approve was made by Trustee Wakeman, seconded by Mayor Pro-Tem Lichtfuss.

Vote: All in favor none opposed. Motion carried.

B. **Ordinance 534** An Ordinance Approving the Annexation and Zoning of Land to the Town of Milliken, County of Weld, State of Colorado, to be Known and Designated as the Flack Annexation #1 to the Town of Milliken, Colorado with an Agricultural Zoning.

Motion to approve was made by Mayor Pro-Tem Lichtfuss, seconded by Trustee Gary Frank.

Vote: All in favor none opposed. Motion carried.

C. **Ordinance 535** An Ordinance Approving the Annexation and Zoning of Land to the Town of Milliken, County of Weld, State of Colorado, to be Known and Designated as the Flack Annexation #2 to the Town of Milliken, Colorado with an Agricultural Zoning.

Motion to approve was made by Trustee Roger Frank, seconded by Trustee Tokunaga.

Vote: All in favor none opposed. Motion carried.

D. **Ordinance 536** An Ordinance Approving the Annexation and Zoning of Land to the Town of Milliken, County of

Weld, State of Colorado, to be Known and Designated as the Flack Annexation #3 to the Town of Milliken, Colorado with an Agricultural Zoning.

Motion to approve was made by Trustee Onorato, seconded by Trustee Wakeman.

Vote: All in favor none opposed. Motion carried.

- E. **Ordinance 537** An Ordinance Approving the Annexation and Zoning of Land to the Town of Milliken, County of Weld, State of Colorado, to be Known and Designated as the Flack Annexation #4 to the Town of Milliken, Colorado with an Agricultural Zoning.

Motion to approve was made by Mayor Pro-Tem Lichtfuss, seconded by Trustee Tokunaga.

Vote: All in favor none opposed. Motion carried.

- F. **Ordinance 538** An Ordinance Approving the Annexation and Zoning of Land to the Town of Milliken, County of Weld, State of Colorado, to be Known and Designated as the Flack Annexation #5 to the Town of Milliken, Colorado with an Agricultural Zoning.

Motion to approve was made by Trustee Wakeman, seconded by Trustee Onorato.

Vote: All in favor none opposed. Motion carried.

- G. **Ordinance 539** An Ordinance Approving the Annexation and Zoning of Land to the Town of Milliken, County of Weld, State of Colorado, to be Known and Designated as the Flack Annexation #6 to the Town of Milliken, Colorado with PUD Zoning.

Motion to approve was made by Trustee Onorato, seconded by Trustee Gary Frank.

Vote: All in favor none opposed. Motion carried.

- F. **Approval of Public Service Annexation**

Motion to approve was made by Trustee Wakeman seconded by Trustee Onorato.

Vote: All in favor none opposed. Motion carried.

Resolution #06-02 A Resolution adopting amendments to the Milliken Municipal Code as a Code of the Town of Milliken Town Code.

Motion to approve was made by Mayor Pro-Tem Lichtfuss, seconded by Trustee Roger Frank.

Discussion: Attorney Fickel noted that this included numerous pages of code changes that will assist the Town in its enforcement of codes.

Vote: All in favor none opposed. Motion carried

Milliken Housing Authority Request for Funds

President of the Housing Authority Janie Lichtfuss noted that the authority needed funds in the beginning to cover incidental costs. At this time they are not sure what the costs will be. Mayor Measner asked where the Town could allocate funds from. Finance Director Vasquez answered that they could come out of the Community Grants Fund.

Motion to approve and advance of \$5,000 for the Milliken Housing Authority to be reimbursed at a later date and to leave the request open if more funds are needed in the future was made by Trustee Wakeman, seconded by Trustee Onorato

Vote: All in favor none opposed Motion carried.

Resolution 06-07 A resolution supporting the agreement between the Town of Milliken and the State Board of the Great Outdoor Colorado Trust Fund.

Motion to approve was made by Mayor Pro-Tem Lichtfuss, seconded by Trustee Roger Frank.

Vote: All in favor none opposed. Motion carried.

Fred Neil of Evans Colorado thanked the Board for the attentiveness given to speakers and the audience.

Town Clerk Martinez gave an update on the upcoming April 4th Election.

ADJOURNMENT

Mayor Measner adjourned the meeting at 8:25 p.m. as there was no further business.

Gayle Martinez, Town Clerk

Approved by the Board of Trustees

Linda L. Measner, Mayor

